

Magistrate Judge S. Kate Vaughan

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

ROBERT KYE ARTZ,
Defendant.

CASE NO.

COMPLAINT for VIOLATION

Title 21, U.S.C. Section 846

BEFORE, S. Kate Vaughan, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

Conspiracy to Distribute Controlled Substances

Beginning at a time unknown, but within the past five years, and continuing until
on or about September 2, 2021, on the Tulalip Indian Reservation, within the Western
District of Washington, and elsewhere, of ROBERT K. ARTZ and others known and
unknown, did knowingly and intentionally conspire to distribute, heroin,
methamphetamine, and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]
propanamide), substances controlled under Title 21, United States Code, Section 812.

1 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C),
2 and 846.

3 And the complainant states that this Complaint is based on the following
4 information:

5 I, P. Zoller, a Task Force Officer with Federal Bureau of Investigation,
6 Northwestern Washington Safe Trails Task Force, having been duly sworn, state as
7 follows:

8 **AFFIANT BACKGROUND**

9 1. I, P. Zoller, am a fully Commissioned Police Officer with the Tulalip Police
10 Department assigned within the exterior boundaries of the Tulalip Reservation located in
11 Tulalip, Washington. I have been a commissioned officer since July of 2015 and I have
12 graduated from the Federal Law Enforcement Training Center Police Academy and the
13 Washington State Criminal Justice Training Center Police Equivalency Academy. My
14 duties and training include traffic enforcement, crimes against persons, drug
15 identification and recognition, pill identification, drug recognition, drug interdiction, and
16 DUI detection. I am currently assigned to the Detective Division as a Tulalip Drug Task
17 Force Detective. I am also assigned to the Northwestern Washington Safe Trails Task
18 Force. I hold a deputation from the Federal Bureau of Investigation ("FBI") and United
19 States Marshal Service that authorizes me to investigate violations of Title 18 and Title
20 21 of the United States Code.

21 2. I have participated in, and successfully completed, multiple training
22 courses, including: Advanced Criminal Training/Workshop, Managing Narcotic
23 Informants, Washington State Narcotics Investigator Association Training, and the Drug
24 Enforcement Administration ("DEA") 80-hour Basic Drug Investigation Course. The
25 DEA course training on search and seizure reviews, electronic surveillance and search
26 warrants, drug identification, pharmacology identification, developing and utilizing
27 confidential sources, undercover operations and risk management, undercover practical
28 exams, Jetway and drug interdiction case studies, raid plan development, de-confliction,

1 asset forfeiture, vehicle-involved arrests, undercover practical exercises, trends and
2 methods of trafficking and intelligence, and technical operations.

3 3. In my role as a Drug Task Force Detective for the Tulalip Police
4 Department, I have participated in narcotics investigations involving heroin, fentanyl,
5 cocaine, marijuana, and methamphetamine. These investigations have resulted in the
6 arrest of individuals, the seizure of narcotics and/or narcotic-related evidence, and the
7 forfeiture of narcotics related assets. I have been involved in the service of search
8 warrants as part of these investigations. As a result of my training and experience, I am
9 familiar with the various tools, methods, trends, paraphernalia and related articles used by
10 various traffickers in their efforts to conceal and distribute controlled substances. I am
11 also familiar with the manner in which drug traffickers use telephones, often cellular
12 telephones, to conduct their unlawful operations.

13 4. Because this Affidavit is submitted for the limited purpose of establishing
14 probable cause, it does not set forth each and every fact that I or others have learned
15 during the course of this investigation. I have set forth only the facts that I believe are
16 necessary to establish probable cause to believe that ROBERT K. ARTZ conspired to
17 distribute controlled substances, in violation of in violation of 21 U.S.C. § 846.

18 **SOURCES OF INFORMATION**

19 5. I make this Affidavit based upon personal knowledge derived from my
20 participation in this investigation and upon information I believe to be reliable from the
21 following sources:

22 a. My training and experience investigating drug trafficking and related
23 criminal activity, as described herein;

24 b. Oral and written reports and documents about this and other
25 investigations that I have received from agents of the Tulalip Police Department, the
26 Snohomish County Sherriff's Office, and other federal, state and local law enforcement
27 agencies;

- c. Physical surveillance conducted by the aforementioned agencies, and other law enforcement agencies, that has been reported to me directly or indirectly;
- d. Washington State Department of Licensing records;
- e. Tulalip Tribal Registry records;
- f. Commercial databases;
- g. Public records; and
- h. Publicly viewable information on social media websites (*i.e.*, Facebook, Instagram).

SUMMARY OF PROBABLE CAUSE

6. Since June 2020 and continuing to September 2021, the Tulalip Police Department (“TPD”) investigated drug sales occurring at 8021 30th Drive Northeast (“the SPENCER HOUSE”), which is known as one of the primary locations to purchase drugs on the Tulalip Reservation. During the course of the investigation, TPD identified ROBERT K. ARTZ, a resident of the SPENCER HOUSE, as a primary source of drugs. ARTZ was twice identified fleeing from law enforcement and leaving behind his supply of drugs, including methamphetamine, heroin, and fentanyl. During the execution of a search warrant on September 2, 2021, TPD found \$2,420 in cash rolled up and secured with rubber bands, a wallet with \$1,344 cash, a credit card with ARTZ’s name, and a driver’s license of another individual, and a fanny pack containing a scale, miscellaneous drug paraphernalia, and seventeen M30 pills.

PROBABLE CAUSE

Background on Counterfeit Fentanyl Pills

7. Based on my training and experience, I know that “Perc 30s,” “M30s,” “fedi pills,” and “blues” all are terms used to describe pills designed to resemble legitimate 30mg oxycodone hydrochloride pills. They are typically circular blue pills imprinted with “M30.” These pills are commonly created with a pill press and pressed with acetaminophen and a small amount of fentanyl. Fentanyl is a potent opiate, much more potent than heroin. Fentanyl is cheap to buy in bulk and can be ordered online and

1 shipped to one's residence. It often causes overdoses and overdose deaths due to its
2 potency.

3 8. TPD Detectives know from routine law enforcement investigations and
4 contacts that S.S. is a Tulalip Tribal member involved in drug distribution on the Tulalip
5 Reservation. ARTZ is also known by TPD Detectives, based on routine law enforcement
6 investigations and contacts, to be involved in drug distribution on the Tulalip
7 Reservation. I know that ARTZ and S.S. are in a long-term dating relationship and that
8 ARTZ has lived at the SPENCER HOUSE on the Tulalip Reservation for over a year.

9 9. In or around May 2020, while conducting law enforcement surveillance on
10 an unrelated house near to the SPENCER HOUSE, I saw significant foot traffic and
11 activity at the SPENCER HOUSE and began to suspect that it may be the location of
12 drug distribution.

13 *ARTZ Hides with a Fanny Pack of Drugs and Cash in June 2020*

14 10. On June 30, 2020, I saw ARTZ and S.S. walking towards a Lincoln Town
15 Car in the parking lot of a hardware store on the Tulalip Reservation. I attempted to
16 contact them and ARTZ immediately ran and hid behind manure bales located on the
17 north end of the business. While he was running, I could see some type of bag secured
18 around ARTZ's waist which was bobbing up and down as he ran. I followed ARTZ to
19 the manure bales and when I found him he was taken into custody. With the assistance of
20 a narcotics canine we found, hidden in one of the bales, a Nike fanny pack with 28 M30
21 pills, 12.82 grams of heroin, 3.63 grams methamphetamine, .71 grams of marijuana, and
22 \$1,680 cash.

23 11. The drugs found in the Nike fanny pack were submitted to the Washington
24 State Patrol Crime Laboratory, which concluded the following:

- 25 a. One of the M30 pills was tested and found to contain fentanyl.
26 b. The suspected heroin was tested and found to contain heroin.
27 c. The suspected methamphetamine was found to contain methamphetamine.

28 ///

1 *ARTZ Flees from a Car found to Contain Drugs and a Scale in May 2021*

2 12. On or around May 11, 2021, I saw a 2006 Hyundai Sonata with inoperable
3 brake lights entering the 81st Street Housing District and initiated my overhead red and
4 blue lights. The driver, later identified as J.M., accelerated towards 30th Drive Northeast
5 and parked in the driveway of the SPENCER HOUSE. The front passenger quickly
6 exited from the car and ran towards the back of the SPENCER HOUSE. I recognized the
7 passenger as resembling ARTZ, but could not see him clearly enough to be certain.
8 Backup units arrived to search for ARTZ but he was not found.

9 13. A narcotics canine was deployed around the Sonata and alerted to the odor
10 of narcotics. I obtained a search warrant from Tulalip Tribal Court for the Sonata.
11 During the search of the Sonata I found 307 M30 pills, 10.82 grams of heroin, and 26.01
12 grams of methamphetamine. I also found a digital scale with the name "BADBOB"
13 scratched on the back. The drugs and scale were found in a Gucci bag that also contained
14 a photograph of ARTZ's daughter. As explained in paragraph 24 below, "badbob" is
15 consistent with one of ARTZ's email addresses.

16 14. J.M. was arrested for eluding police, driving while license suspended,
17 obstructing a law enforcement officer, and for possession of drug paraphernalia. I
18 verbally advised J.M. of his Miranda Rights and he provided a statement admitting that
19 the passenger who fled from his car was ARTZ.

20 15. As explained in paragraphs 24-25 below, ARTZ sent text messages on May
21 12 in which he discussed having to flee when Tribal law enforcement attempted to pull
22 over a car he was in, stating that law enforcement recovered "my Gucci backpack and all
23 my work."

24 *June 2021 Purchase of Counterfeit Fentanyl Pills*

25 16. On or around June 30, 2021, TPD K9 Officer Jake Wilcox encountered an
26 individual known to have an outstanding Tulalip Tribal warrant for theft and burglary.
27 The individual ("CS-3") was taken into custody and told Officer Wilcox that CS-3 would
28

1 be willing to work for TPD as a confidential informant in exchange for potential
2 consideration on his outstanding charges.¹

3 a. Detective James Cabras and I met with CS-3 at TPD and CS-3 told
4 us that CS-3 was willing to buy drugs from “Bobby,” who I knew to be ARTZ. CS-3 told
5 us that CS-3 had bought drugs from ARTZ over a hundred times throughout the years
6 and that ARTZ had been CS-3’s “main plug” for a long time. Based on my training and
7 experience, I know the term “plug” is used to refer to a drug dealer. CS-3 told us that
8 ARTZ lived with his girlfriend who I knew to be S.S., at the SPENCER HOUSE. I
9 showed CS-3 a photograph of the SPENCER HOUSE and CS-3 was able to correctly
10 identify the house.

11 b. I searched CS-3 and CS-3’s car and found no narcotics, money, or
12 contraband. I gave CS-3 cash and instructed CS-3 to purchase pills. I then secured
13 vehicle to use for the buy and searched it for narcotics, money, and contraband and found
14 none. I gave CS-3 \$40.00 of cash and instructed CS-3 to purchase three pills.

15 c. I then drove CS-3 to the 81st Street Housing District. I dropped CS-
16 3 off near the intersection of Donald Campbell Road and 81st Street, and Detective
17 Cabras and I watched CS-3 enter the SPENCER HOUSE through the front door. CS-3
18 exited the house moments later and we made contact with him. From exiting the
19 SPENCER HOUSE and making contact with me CS-3 did not make contact with any
20 other individuals. CS-3 gave me three round blue pills imprinted with “M30.” I searched
21 CS-3 and found no narcotics, cash, or contraband.

22 d. I debriefed CS-3, who told me that when CS-3 entered the
23 SPENCER HOUSE he found multiple individuals who he did not know. He asked for
24 ARTZ, but was advised by the unknown individuals that ARTZ was not home. Shortly
25 thereafter, S.S. arrived home and told CS-3 that ARTZ had been arrested earlier that day.
26 I later confirmed that ARTZ was arrested by the Everett Police Department on June 30,
27
28

¹ CS-3 has a conviction for third degree theft.
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2021, for Possession with Intent and for an outstanding felony warrant out of the Department of Corrections. S.S. and CS-3 then went into S. SPENCER's bedroom where CS-3 gave S.S. \$40.00 and S.S. gave CS-3 three oxycodone hydrochloride pills.

e. I am providing the pills to the FBI for laboratory testing.

Multiple Cooperating Witnesses Identify ARTZ as a Drug Trafficker in August 2021

17. On or around August 11, 2021, I contacted a male during a traffic stop on the 3400 block of 105th Street Northeast on the Tulalip Reservation and clearly saw methamphetamine and drug paraphernalia in the car. The driver ("Witness-1") gave me consent to search the car and we recovered the drugs and paraphernalia. I asked Witness-1 if Witness-1 had purchased the drugs. Witness-1 said no and explained that her/his acquaintance purchased pills from a female who, based on the nickname provided, I knew to be S.S., who had a boyfriend under the supervision of the Washington State Department of Corrections ("DOC"). I know that ARTZ was under the supervision of the DOC at this time. Witness-1 explained that S.S. lived "Down the Quil. I think its 13th. That little housing projects, there. Right down there. Go all the way to the back. On the left, that house with all that shit out there, cars. Right there, she sells hella pills." Based on this description, I believe that Witness-1 was describing S.S. and the SPENCER HOUSE. Witness-1 then provided me with S.S.'s cell phone number, which was the same as the number I knew to be S.S.'s cell phone number.

18. On or around August 12, 2021, TPD patrol units Officer Wilcox informed me that they had arrested two individuals for theft, both of whom are known drug users. Detective Cabras and I had seen the individuals earlier in the week in the proximity of the SPENCER HOUSE. Following their arrest, patrol said that one of the individuals ("Witness-2")² was willing to speak with us.

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² Witness-2 was willing to speak with us in exchange for not being held on any charges. Witness-2 has no criminal convictions. Witness-2 does have Tulalip Tribal arrest history for Theft, Possession of a Controlled Substance, Possession of Drug Paraphernalia, and Criminal Endangerment.

19. I advised Witness-2 of her/his *Miranda* rights and Witness-2 said that s/he understood those rights. I asked Witness-2 about drug dealers on the Tulalip Reservation and Witness-2 said that s/he was willing to “give up one guy” who Witness-2 knew to be non-tribal drug dealer selling “a couple hundred” pills. Witness-2 described this individual as a tall, skinny white male who lived on 81st Street and was named “Bobby” who lived with his girlfriend. Witness-2 admitted to having purchased drugs from Bobby earlier that day. Witness-2 buys “Perc 30s” from Bobby for \$10 a pill and had purchased pills from Bobby every day for the past two weeks. Witness-2 described Bobby’s room as being down a hallway, last bedroom on the right. I showed Witness-2 a photograph of ARTZ and Witness-2 identified ARTZ as “Bobby.” Witness-2 agreed to show us ARTZ’s house, and Detective Cabras and I used an unmarked patrol vehicle to take Witness-2 to the 81st Street Housing District where Witness-2 identified the SPENCER HOUSE as the house where Witness-2 buys drugs. We then released Witness-2 from custody.

ARTZ Sells M30 Pills on August 13, 2021

20. On or around August 13, 2021, I spoke with a cooperating source (“CS-4”).³ CS-4 told me that CS-4 had purchased drugs from several different houses and people on the Tulalip Reservation. CS-4 told me that L.S. sold counterfeit oxycodone pills out of the 81st Street Housing District. I know L.S. to be S.S.’s sister who also lives at the SPENCER HOUSE. CS-4 agreed to conduct controlled buys for TPD, including a controlled buy off of L.S.

a. Detective Cabras and I searched CS-4 and found no drugs, money, or contraband. Detective Cabras also searched the undercover vehicle we were using for the operation and found no drugs, money, or contraband. I gave CS-4 \$40.00 cash to

³ CS-4 had agreed to work for TPD as an informant in exchange for mitigation related to a warrant out of Marysville. CS-4 has felony convictions for assault in the second degree, theft in the second degree, possession of a controlled substance, false/misleading statements to a public servant, theft in the third degree, driving under the influence, attempted theft, theft in the fourth degree, possession of stolen property in the third degree, and driving under the influence. CS-4 has previously provided credible information that has been corroborated by law enforcement.

1 purchase narcotics. Detective Cabras and I drove CS-4 to the residence of an individual
2 who CS-4 had identified as a source of counterfeit oxycodone pills on the Tulalip
3 Reservation, J.F. We attempted to conduct a controlled buy at J.F.'s house, but J.F. was
4 not there.

5 b. Detective Cabras and I then drove CS-4 to the SPENCER HOUSE to
6 purchase drugs from L.S. CS-4 entered the SPENCER HOUSE through the front door.
7 While waiting for CS-4 to exit the house I saw S.S. and L.S. outside the house. I also
8 saw a male who I recognized from previous narcotics investigations, D.J., standing next
9 to a gray BMW. While CS-4 was still in the SPENCER HOUSE, a silver Cadillac
10 Escalade EXT pickup truck arrived and parked outside the SPENCER HOUSE. J.F., and
11 an unknown male ("FNU LNU") exited the Escalade and both men entered the
12 SPENCER HOUSE. About 15-20 minutes later, D.J., J.F., and FNU LNU. ARTZ exited
13 as well, wearing a white t-shirt, plaid shorts, and a dark colored shoulder bag. All four
14 men left the 81st Housing District in the Escalade and the BMW.

15 c. CS-4 immediately returned to our vehicle after the buy and CS-4
16 handed me two blue pills imprinted with "M30." Detective Cabras and I searched CS-4
17 and found no drugs, money, or contraband. I found a torn-off piece of notebook paper
18 that read "3609136931 Bobby."

19 d. CS-4 told me that when he arrived at the SPENCER HOUSE he
20 spoke with L.S., who told CS-4 to proceed into the house, down the hallway, to the last
21 bedroom on the right, and that her friend would "serve them up." CS-4 followed L.S.'s
22 instructions and found a baldheaded white male wearing a white t-shirt, jean shorts, and
23 wearing a shoulder bag across his body. Based on this description, which was similar to
24 what I saw ARTZ wearing when ARTZ exited the SPENCER HOUSE, I believe the
25 individual who CS-4 met in the back bedroom was ARTZ.

26 e. CS-4 explained that ARTZ interrogated CS-4, believing CS-4 to be
27 an informant. D.J. and S.S. were also with ARTZ and CS-4 in the bedroom. ARTZ
28 instructed CS-4 to smoke a pill to prove that CS-4 was not an informant. CS-4 feared for

1 his/her safety so agreed to smoke the pill, after which CS-4, ARTZ, and D.J. left the
 2 house. While in the back bedroom, CS-4 said that ARTZ had written his name and
 3 number on a piece of paper and handed it to CS-4.

4 f. I am providing the pills to the FBI for laboratory testing.

5 *Cellphone Used by ARTZ and S.S. Contains Evidence of Drug Trafficking*

6 21. In July 2021, an individual contacted TPD to provide information about
 7 drug trafficking on the Tulalip Reservation (“Witness-3”). Witness-3 had found a
 8 cellphone in Witness-3’s car after the car had been borrowed. Witness-3 opened the
 9 phone, which was unlocked, found evidence of drug trafficking, and turned the phone
 10 over to TPD. Based on Witness-3’s review of the phone, Witness-3 believed that the
 11 phone belonged to ARTZ. I then obtained a search warrant from Snohomish County
 12 Superior Court to seize the phone and search it for evidence of drug trafficking. During
 13 the resulting search, I found the following:

14 a. Indica of the phone belonging to ARTZ:

15 i. Multiple photographs of ARTZ and S.S.

16 ii. Photographs of ARTZ’s daughter, which I recognized from
 17 the photograph found in ARTZ’s Gucci bag after he fled from J.M.’s car on May 11,
 18 2021.

19 iii. A photograph of ARTZ holding a pistol.

20 iv. Email addresses that appear to belong to ARTZ:

21 badbob2385@gmail.com, bobartz2385@gmail.com. I recognized “2385” as being
 22 consistent with the day and year of ARTZ’s birthday.

23 b. Videos of S.S. smoking a crystal-like substance.

24 c. Communications regarding drug trafficking, including
 25 communications about ARTZ selling drugs to people and ARTZ purchasing drugs from a
 26 supplier, many of which used coded language. Among these text messages was a
 27 conversation on May 12, 2021, the day after TPD recovered a Gucci bag with narcotics
 28

1 from J.M.'s car outside the SPENCER HOUSE. During the conversation, ARTZ sent the
2 following text messages:

3 *I was riding with the homie just getting to the 81st projects. And an under*
4 *cover task force hit his lights on us*
5 *I jumped out and ran.... I got away but they took my home to jail and*
6 *impounded his car*
7 *Along with my Gucci backpack and all my work*

8 I noticed that the conversations that took place after June 30th, 2021, appeared to
9 be made by S.S. S.S. identified herself in several messages and told recipients that she
10 was using ARTZ's phone. S.S.'s use of ARTZ's phone begins when ARTZ was arrested
11 and booked into the Snohomish County Jail.

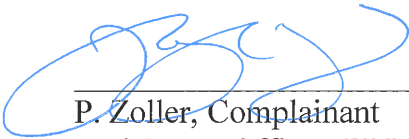
12 *Additional M30 Pills Found in the SPENCER HOUSE, Gun Found in a Car Outside*

13 22. On September 2, 2021 TPD executed a search warrant at the SPENCER
14 HOUSE with the assistance of the FBI. During the course of that search, TDP identified
15 a room that was shared by S.S. and S.S.'s daughter, and another room that appeared to be
16 used by ARTZ. In the room shared by S.S. and S.S.'s daughter, they found \$2,420 in
17 cash rolled up and secured with rubber bands, a wallet with \$1,344 cash, a credit card
18 with ARTZ's name, and a driver's license of another individual, and a fanny pack
19 containing a scale, miscellaneous drug paraphernalia, and seventeen M30 pills. In the
20 room that appeared to be used by ARTZ they found various drug paraphernalia, a scale,
21 and baggies with white residue.

22 Based on the above facts, I respectfully submit that there is probable cause to
23 believe that ROBERT KYE ARTZ did conspire to distribute, heroin, methamphetamine,

1 and fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), substances
2 controlled under Title 21, United States Code, Section 812.

3 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C),
4 and 846.

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9 
P. Zoller, Complainant
Task Force Officer, FBI

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12 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
13 presence, the Court hereby finds that there is probable cause to believe the Defendant
14 committed the offense set forth in the Complaint.

15 Dated this 2nd day of September, 2021.

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18 S. Kate Vaughan
19 United States Magistrate Judge
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